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EXAMINER

BEHULU, ALEMAYEHU

ART UNIT PAPER NUMBER

2682

DATE MAILED: 07/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/804,007

Applicant(s)

MEADE, WILLIAM KENDALL

Examiner

Alemayehu Behulu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/23/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-7, 9-11, 13, 14, 16, 18-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Albuquerk (U.S. Patent No. 5,929,848).

Regarding claims 1 and 16, Albuquerk discloses a proxy server comprising: (figures 1, 2, number 101) a receiver configured to receive content from a service provider (figure 2, number 203, figure 1, 117, column 8, lines 13-46, column 9, lines 24-46); and storage device coupled to receiver and configured to store the content (figure 1, number 205, column 9, lines 24-31 and lines 55-column 10, line 1); and a transmitter coupled to the storage device (figure 2, number 211, 217), the transmitter being configured to transmit at least portion of the content stored in the storage device to at least one communication device so that the communication device can utilize the content portion without requiring the communication device to store the content (column 9, lines 24-31, lines 55-column 10, line 1, column 11, lines 44-column 12, lines 2).

Regarding claim 2, Albuquerk discloses the proxy server of claim 1, wherein the content received from the service provider (figure 1, number 117, column 8, lines 13-46) is originated from at

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least one content producer (figure 1, number 111, column 8, lines 51-55, column 10, lines 48-52).

Regarding claim 3, Albuquerk discloses the proxy server of claim 1, wherein the storage device is a memory (figure 2, number 209 note: memory can be solid-state memory or liquid crystal memory).

Regarding claim 4, Albuquerk discloses a proxy server (figures 1, 2, number 101) configured to receive content from a service provider (figure 1, number 117) and store the content (column 5, lines 64-column 6, lines 3, column 6, lines 15-18), the proxy server comprising: a receiver configured to receive the content (figure 2, number 203); a disk drive unit coupled to the receiver and configured to store the content (figure 2, number 205, column 9, lines 55-column 10, line 1, column 3, lines 58-65), at least one transmitter coupled to the disk drive unit (figure 2, number 205, 217, 211), the at least one transmitter being configured to transmit at least a portion of the content stored in the disk drive unit to at least one communication device within a range of the transmitter so that the communication device can utilize the content portion without requiring the communication device to store the content (column 9, lines 24-31, lines 55-column 10, line 1, column 11, lines 44-column 12, lines 2).

Regarding claims 5, 18, Albuquerk discloses the proxy server of claim 4, wherein the at least one transmitter uses infrared signals to transmit the content (column 8, lines 24-29, column 11, lines 64-column 2, lines 2).

Regarding claims 6, 19, Albuquerk discloses the proxy server of claim 4, wherein the at least one transmitter transmits signals according to Bluetooth specifications (column 11, lines 64-column 2, lines 2, note: the fact infrared is used indicates that Bluetooth is applicable).

Regarding claims 7, 20, Albuquerk discloses the proxy server of claim 4, wherein the at least one transmitter uses radio-frequency signals to transmit the content (column 3, lines 6-16, column 8, lines 56-column 9, lines 9).

Regarding claim 9, Albuquerk discloses the proxy server of claim 4, wherein the content comprises video signals (column 2, lines 6-15).

Regarding claim 10, Albuquerk discloses the proxy server of claim 4, wherein the content comprises audio signals (figure 2, number 211, column 5, lines 48-63, figure 4, number 411a, column 8, lines 1-5, column 11, lines 44-63).

Regarding claim 11, Albuquerk discloses the proxy server of claim 4, wherein the content comprises data files (column 5, lines 48-63, figure 4, number 411a, column 8, lines 1-5, column 9, lines 55-59, column 10, lines 11-48).

Regarding claim 13, Albuquerk discloses the proxy server of claim 4, further comprising an output port configured to transmit content to the at least one communication device when the

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output port is physically coupled to that communication device (figure 2, number 211, column 11, lines 44-63).

Regarding claim 14, Albuquerk discloses the proxy server of claim 4, wherein the transmitter in is configured to wirelessly transmit content to the at least one communication device within range of the transmitter (column 11, lines 64-column 12, lines 2).

Regarding claim 21, Albuquerk discloses the method of claim 16, comprising: receiving a request for the content from the at least one communication device (figure 1, number 101, column 8, lines 30-46, column 9, lines 55-column 10, line 1); forwarding the request to the service provider (column 8, lines 40-46); wherein receiving includes receiving the requested content from the service provider using the receiver (column 8, lines 1-12, column 9, lines 32-54); and transmitting includes transmitting at least a portion of the requested content with the transmitter to the at least one communication device that requested the content (column 11, lines 64-column 12, lines 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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2. Claims 8, 12, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Albuquerk (U.S. Patent No. 5,929,848) in view of Ortiz (U.S. Pub No. 6,625,447).

Regarding claim 8, Albuquerk discloses the proxy server of claim 4. However, Albuquerk fails to disclose wherein a first transmitter uses radio frequency signals to transmit the content, and a second transmitter uses infrared signals to transmit the content. But, Ortiz discloses wherein a first transmitter uses radio frequency signals to transmit the content, and a second transmitter uses infrared signals to transmit the content (figure 2, number 26 and 27 and paragraphs [0028] and [0050]). Therefore, time of the invention it would have been obvious to a person of ordinary skill in the art at the to combine Albuquerk (U.S. Patent No. 5,929,848) with Ortiz (U.S. Pub. No.2002/0058499) so that the device is flexible to communicate simultaneously with different systems such as short-range and long-range (as suggested by Ortiz).

Regarding claims 12, 17, the combination of Albuquerk and Ortiz disclose the proxy server of claims 4 and 16 respectively, wherein the content comprises Internet (see Ortiz paragraphs [0046], [0047], [0049], and [0063]).

3. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Albuquerk (U.S. Patent No. 5,929,848) in view of Schultz (U.S. Patent No.6, 058,489).

Regarding claim 15, Albuquerk discloses the proxy server of claim 4. However, Albuquerk fails to disclose wherein the disk unit comprises an array of disk drives. But, Schultz discloses the disk

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unit comprises an array of disk drives (see Schultz figure 1, number 142 and column 4, lines 56-61). Therefore, time of the invention it would have been obvious to a person of ordinary skill in the art at the to combine Albuquerk (U.S. Patent No. 5,929,848) with Schultz (U.S. Patent No.6, 058,489) so that the device disk can be reconfigured online (as suggested by Shultz).

Response to Arguments

4. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alemayehu Behulu whose telephone number is 703-305-4828. The examiner can normally be reached on 8 AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AB


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